
Policy 5.501 – License Denial, Suspension, and Revocation Procedure

The Background:

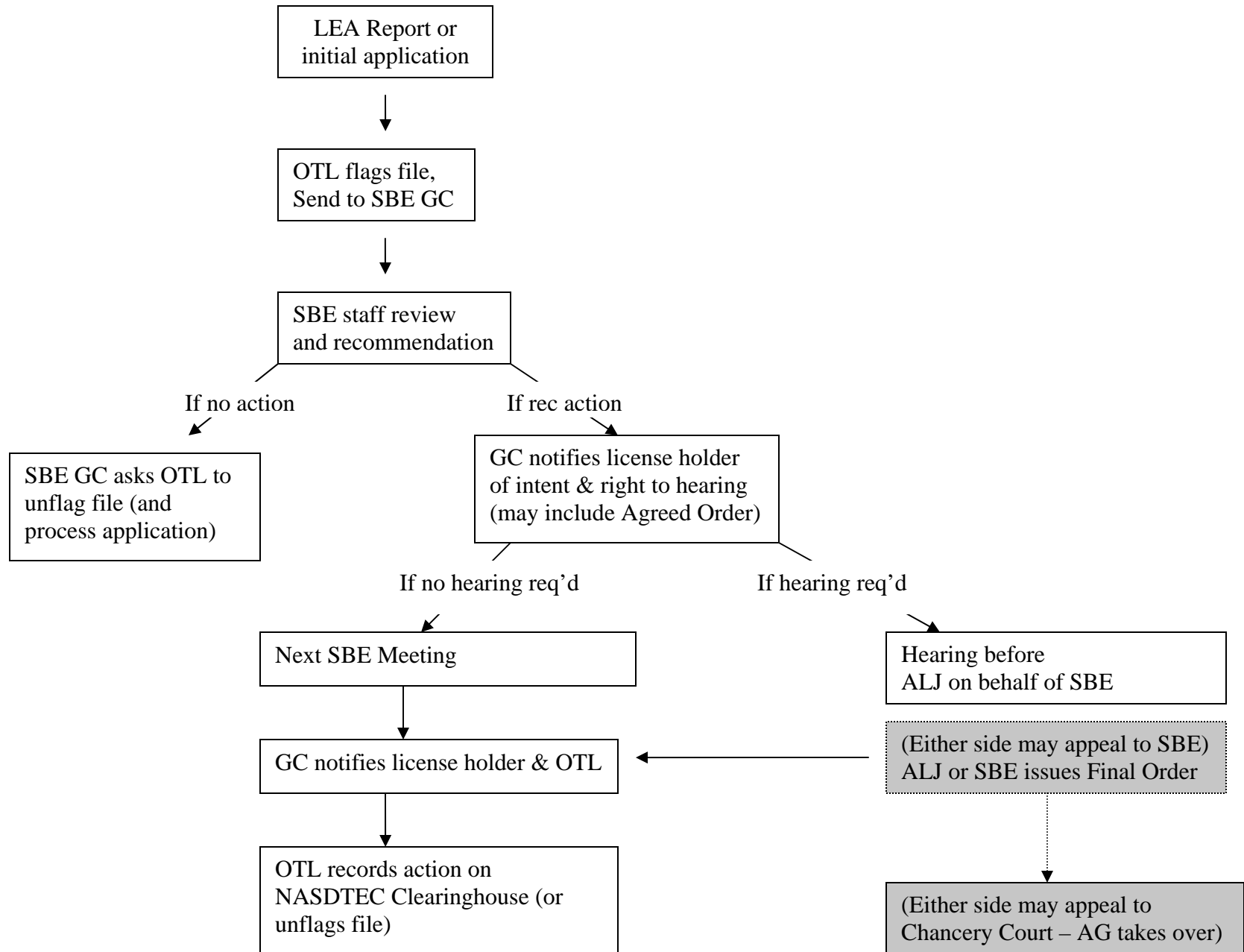
In order to assist the Board and Board staff in providing appropriate due process for individuals whose teaching or administrative license applications or licenses are subject to possible disciplinary action, the following procedure has been prepared as a Board policy.

The policy reflects current practice, except for the following additions: the provision of a three person panel of Board staff to make an initial recommendation, the practice of preparing formal orders which individuals may consent to in lieu of a hearing and have approved by the Board, as well as the preparation of recommended orders for Board approval in the absence of a consent order or request for a hearing by the individual.

The three person panel will begin meeting to consider cases opened after September 1. The other additions have been implemented for this meeting.

The Recommendation:

Counsel to the Board recommends acceptance of this policy on first reading.



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Procedure for License Denial, Suspension & Revocation

Board Rule 0520-2-4-.01(9) governs denial, suspension and revocation of a Tennessee teaching license. Reporting and recording of action taken on licenses is coordinated with the Department of Education's Office of Teacher Licensing and local education agencies.

Below is a general outline of the procedure followed in cases of possible license denial, suspension or revocation. Requests for restoration of suspended or revoked licenses are handled in accordance with Board Policy 5.500, License Restoration Requests.

Reporting

Board Rule 0520-2-4-.01(9)(e) requires superintendents to report to the Office of Teacher Licensing whenever a teacher or administrator is "suspended or dismissed, or [has] resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation under" the rule. Superintendents are also required to report "felony convictions of licensed teachers or administrators." These reports must be submitted "within thirty (30) days of the suspension, dismissal or resignation" or "within 30 days of receiving knowledge of the [felony] conviction."

Procedure

After receiving a report, the following procedure should be followed:

For Automatic Revocation

1. The Office of Teacher Licensing (OTL) flags the individual's file (license or license application) on a database available to Tennessee LEAs. Before hiring new teachers, LEAs should check the potential employee's license status on this database to determine the reason for the flag.
2. The OTL creates a file with the superintendent's report and the teacher's license information to Board counsel.
3. Board counsel obtains a certified copy of the criminal record showing the conviction for one of the offenses at T.C.A. § 40-35-501(i)(2) or 39-17-417 (including conviction on a plea of guilty or nolo contendere).
4. Following receipt of the certified record, Board counsel informs the individual that his/her teaching license is subject to automatic revocation at the next Board meeting.

For Denial, Suspension or Revocation

1. The Office of Teacher Licensing (OTL) flags the license file on a database available to Tennessee LEAs. Before hiring new teachers, LEAs should check the potential employee's license status on this database to determine the reason for the flag.
2. The OTL prepares a file with the application materials or the superintendent's report and transmits the file to Board counsel.
3. A three person panel of Board staff reviews the file to determine whether disciplinary action (denial, suspension or revocation) should be pursued, or

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- if additional investigation is necessary. This panel consists of the executive or deputy executive director, counsel to the Board, and one other staff member.
- a. If the panel decides not to investigate further or pursue disciplinary action, counsel to the Board directs the OTL to unflag the file.
 - b. If the Board intends to disciplinary action, then
 4. If another proceeding could affect the decision by the Board, Board counsel may wait for:
 - a. The conclusion of any LEA investigation and/or termination proceeding or
 - b. Entry of a final order in any criminal or civil proceeding (including DCS findings) related to the events giving rise to the report.
 5. Board counsel then notifies the individual of the Board's intent and the individual's right to a hearing. Counsel may also include a proposed agreed order.
 - a. If the individual waives the right to a hearing, Board counsel submits the proposed disciplinary action to the Board for roll-call vote at its next meeting. Counsel includes a proposed order for the Board to approve.
 - b. If the individual requests a hearing, then Board counsel schedules a hearing with an Administrative Law Judge (ALJ) from the Secretary of State's office, sitting on behalf of the Board.
 6. Board or ALJ action:
 - a. No disciplinary action:
 - i. If the Board votes not to impose discipline, Board counsel informs the individual of the decision and directs the OTL to unflag the file.
 - ii. If the ALJ, sitting on behalf of the Board, finds that suspension or revocation is not warranted, Board counsel directs the OTL to unflag the file. The Board may, however, appeal the ALJ's decision at its discretion.
 - b. If the Board votes to impose discipline, counsel sends a copy of the order to the individual and sends a copy to the OTL.
 - c. OTL records the disciplinary action and the grounds on the national clearinghouse (NASDTEC).

NOTE: Suspended licenses are subject to expiration.